

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRISTOPHER MCCULLOUGH,)

PETITIONER,)

vs.)

CASE NO. 3:07-CV-71-WHA

DANIEL JONES, WARDEN, et al.,)

RESPONDENTS.)

**RESPONDENTS' REQUEST FOR EXTENSION OF TIME TO SUBMIT
SUPPLEMENTAL ANSWER**

Come now the Respondents, by and through the Attorney General for the State of Alabama, and hereby request a twenty-one (21) day extension of time in which to file their supplemental answer as directed by this Court's March 15, 2007 order. The Respondents request this extension on the following grounds:

1. The original due date for this supplemental answer to the instant petition for a writ of habeas corpus, as directed by this Court's March 15, 2007 order, is Thursday, April 12, 2007. In its order, this Court directed the Respondents to produce documents from the Chambers County Circuit Court and/or McCullough's place of incarceration, Donaldson Correctional Facility, regarding the issue whether McCullough timely received notice of the Chambers County Circuit Court's denial of his Ala.R.Crim.P. Rule 32 petition. This Court has ordered the Respondents to submit a supplemental answer in another habeas petition filed by

McCullough, McCullough v. Jones, et al., No. 3:07-CV-26-MEF, regarding a similar issue with another Rule 32 petition.

2. Undersigned counsel has contacted the Donaldson Correctional Facility regarding this issue in both this case and in McCullough v. Jones, et al., No. 3:07-CV-26-MEF, and is currently awaiting its response in order to respond to this Court's order. Accordingly, undersigned counsel cannot yet properly respond to this Court's order or the Petitioner's equitable tolling claim by today's date.

3. If this Court were to grant this request for an extension of time, the supplemental answer will be due on May 3, 2007. Undersigned counsel will make all efforts to submit said answer long before that date. The Petitioner will not be prejudiced by this extension in any manner.

Therefore, for these reasons, the Respondents respectfully request this Court to extend its due date for said response to May 3, 2007.

Respectfully submitted,

Troy King(KIN047)

Attorney General

By:

/s/Marc A. Starrett

Marc A. Starrett

Assistant Attorney General

ID #STARM1168

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of April, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

CHRISTOPHER MCCULLOUGH, AIS # 174909
Inmate, Donaldson Correctional Facility
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/s/Marc A. Starrett
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